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SENT TO: Ambassador Bonn G/85

Rptd Info: USHER BERLIN G/18

USAREUR HEIDELBERG

Ambassador LONDON G/42

Ambassador MOSCOW G/42

Ambassador PARIS G/51

TOPOL G/51

Bonn Pass USAREUR Heidelberg
Department's G-60 to Bonn.

Following note re helicopter incident sent Soviet Embassy August 1, 1958:

"The Department of State acknowledges the receipt of the note dated July 18, 1958 from the Embassy of the Union of Soviet Socialist Republics regarding the detention in the Soviet Zone of Germany of the crew members and passengers of the United States Army helicopter which inadvertently crossed the zonal border on June 7, 1958 as a result of operational difficulties and made a forced landing near Zwickau.

"As the Government of the Union of Soviet Socialist Republics is no doubt aware, the nine men have subsequently been returned to United States control. They were turned over to representatives of the American Red Cross by representatives of the East German Red Cross at Töpen-Juchhoeh on the zonal border on July 19. Arrangements for the release had been concluded at Berlin on July 17 between Mr. Robert S. Wilson, Director of Operations, European Area, American National Red Cross, and Dr. Werner Ludwig, President of the German Red Cross in the Soviet Zone.

"While the Government of the United States is gratified that the release of the nine men could be obtained through the humanitarian co-operation of the two Red Cross societies, it wishes to re-emphasize that the Union of Soviet Socialist Republics bears a direct responsibility, in cases of this sort, for the prompt return to United States control of United States military personnel and United States Government property.

"The Government of the United States cannot accept the contention of the Soviet note of July 18, 1958 that this matter does not fall within the competence

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Drafted by:

EUR:GER:GPA:TD:McKierman: saw 8-1-58

Airgram transmission and
classification approved by:

GER - Robert C. Creel

Cleared by:

GPA - Mr. Vigdeman

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competence of the Soviet authorities in Germany. The Government of the United States has made its position clear in the Department of State's aide-memoire of June 20, July 1, and July 3, 1958 and in Deputy Under Secretary of State Murphy's statements to Ambassador Menshikov on July 11, 1958. It wishes to reiterate that the position taken in the Soviet notes of July 2 and 18, 1958 is based on a misconception of the legal and factual situation.

"Soviet responsibility in matters of this sort is fixed by agreement and confirmed by long-standing practice. This responsibility can in no way be affected by any arrangements which the Soviet authorities may make with the local German authorities of the Soviet Zone of Occupation. The Soviet authorities in Germany had, in fact, acknowledged their responsibility in this case by taking custody of the nine men in the first instance.

"The question of the return of the disabled United States Army helicopter remains to be settled. The Government of the United States expects that the necessary and appropriate instructions will be issued to the Commander-in-Chief of the Group of Soviet Forces in Germany, in keeping with the established Soviet responsibility in matters of this sort, to co-operate in making arrangements for a prompt return of the aircraft to United States control."

We contemplate no further action on Governmental level unless Soviets introduce some new element in reply. We do not intend publish note unless some Soviet action makes publication desirable.

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